IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

R.S.A. No. 43 of 2004
Date of decision Februrary 5, 2007

Hukam Chand

.....Appellant

Versus

Siya Ram and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL

Present:- Sh. R. S. Mamli, Advocate
for the appellant.

Sh. Arvind Bansal, Advocate
for respondent Nos. 1 to 3.

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Viney Mittal, J (Oral

Plaintiff No.1-Hukam Chand is in second appeal. Plaintiffs, who are sons of Siya Ram, had filed a suit for permanent injunction against Siya Ram and his remaining two sons for restraining the defendants No.2 and 3 from dispossessing the plaintiffs from the bara in question. It was claimed by them that the property had fallen to the share of the plaintiffs on the basis of a family settlement and the plaintiffs were in possession thereof.

The suit was contested by the defendants. It was claimed by them that defendant No.1-Siya Ram is owner in possession of the suit property, which is his self acquired property. The aforesaid defendant had also claimed that he had constructed the house on the bara. The factum of any private partition between the parties was also denied.

Both the Courts below have held that the aforesaid

partition deed Ex. P-1 was without any basis, inasmuch as, the bara in question was owned by Siya Ram and as per the jamabandi Ex.D-1, he is shown to be in possession thereof. The Courts below have also observed that the alleged partition deed Ex.P-1 is not signed by Siya Ram and as such, could not be treated to be a binding upon him in any manner. In these circumstances, the suit filed by the plaintiffs has been dismissed by the trial Court and their appeal has failed before the appellate Court.

Nothing has been shown that the findings of fact recorded by the two Courts below suffer from any infirmity or are contrary to the record.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

(VINEY MITTAL)
JUDGE

February 5, 2007
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